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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

U.S. BANKRUPTCY COURT
MINNEAPOLIS, MN

In re:

Newmans' Manufacturing, Inc.,

Bky. Case No. 07-30032 GFK

Debtor

**NOTICE OF HEARING AND MOTION TO
APPROVE ADMINISTRATIVE CLAIM**

TO: NEWMANS' MANUFACTURING, INC., THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS, THE UNITED STATES TRUSTEE AND THE ENTITIES ENTITLED TO NOTICE PURSUANT TO LOCAL RULE 9013-3(a)

1. Wrisco Industries, Inc. (hereinafter "Wrisco"), through its undersigned counsel, moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 9:30 o'clock a.m., on April 30, 2007, before the Honorable Gregory F. Kishel, Courtroom 7 West, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415.

3. Any response to this motion must be filed and served by delivery not later than Wednesday, April 25, 2007, which is three days before the time set for the hearing (excluding Saturdays, Sundays and holidays) or filed and served by mail not later than April 19, 2007, which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and holidays).

UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Fed. R. Bankr. P. 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this chapter 11 case was filed on January 4, 2007. The case is now pending in this Court.

5. This motion arises under 11 U.S.C. § 503(b)(9).

6. Wrisco Industries, Inc., is a Delaware corporation with its principal executive office located in Palm Beach Gardens, Florida. Wrisco is in the business of supplying aluminum materials.

7. Debtor was a customer of Wrisco and in the Debtor's ordinary course of business, Debtor purchased from Wrisco materials for use in debtor's business. Prior to the January 4, 2007, transaction Wrisco had periodically sold goods to Wriso.

8. Prior to the time of filing of the bankruptcy petition on January 4, 2007, the Debtor received delivery of materials from Wrisco of a value of \$11,734.26, bearing invoice number 010021 dated January 3, 2007. A copy of said invoice is attached hereto as Exhibit "A". A copy of the delivery receipt is attached hereto as Exhibit "B". The delivery receipt indicates a time in of 9:45 a.m. and a time out of 10:05 a.m., on January 4, 2007, whereas the Bankruptcy Petition herein was filed at 6:04 p.m., on January 4, 2007. See Exhibit "C".

9. The Debtor has not paid for the materials delivered on January 4, 2007, represented by invoice number 010021, and the full amount of said invoice remains unpaid.

10. Pursuant to 11 U.S.C. § 503(b)(9), Wrisco is entitled to an administrative claim for the material delivered on January 4, 2007, in the amount of \$11,734.26.

WHEREFORE, Wrisco requests that the Court enter an order granting Wrisco an administrative claim in the amount of \$11,734.26 pursuant to 11 U.S.C. § 503(b)(9).

JOHN A. HALPERN & ASSOCIATES

Dated: April 4, 2007

By: Harold B. Koritz #57642
Harold B. Koritz
500 Plymouth Building
12 South Sixth Street
Minneapolis, MN 55402-1510
(612) 375-1980

ATTORNEYS FOR WRISCO INDUSTRIES, INC.

VERIFICATION

I, Ceil Czekalinski, Credit Manager of Wrisco Industries, Inc., the moving party herein, declare under penalty of perjury that the facts set forth in the foregoing Novice of Hearing and Motion to Approve Administrative Claim are true and correct according to the best of my knowledge information and belief.

Ceil Czekalinski

CEIL CZEKALINSKI

Subscribed and sworn to before me
this 27th day of March, 2007

Paul Joseph Sullivan
Notary Public

NOTARY PUBLIC OFFICE OF FLORIDA
 Paul Joseph Sullivan
Commission # DD43S339
Expires: JUNE 22, 2009
Bonded Thru Atlantic Bonding Co., Inc.

INVOICE



INVOICE NO.	F45:
010021	
INVOICE DATE	
1/03/07	

WRISCO INDUSTRIES INC./CHICAGO
 6075 WEST 115TH STREET
 ALSIP, ILLINOIS 60803
 PHONE: 1-800-627-8036

<http://www.wrisco.com>

SOLD
 TO
 NEWMAN'S MANUFACTURING INC.
 HIGHWAY 10 SOUTH
 P.O. BOX 24
 ROYALTON MN 56373-

SHIP
 HIGHWAY 10 SOUTH
 TO
 P.O. BOX 24
 ROYALTON MN 56373-

FOR SHIPPING POINT

TERMS

ORDER NO.	OUR ORDER DATE	CUSTOMER NO.	SALES MAN NO.	ITEM PURCHASE ORDER NO.	SHIP VIA	QTY PQD	QTY SHIPPED	NET 30
251585	12/27/06	24761	004	0031359	COMM CARRIER	PPD	1/03/07	

QUANTITY ORDERED	QUANTITY SHIPPED	QTY. BACK ORDERED	PART NO.: COLOR	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
25.0	25.0		920748	.063 GAUGE TREAD-BRITE 48" X 96"	78.400 EA	1960.00
50.0	50.0		*940055	.040 BLAK/WHITE 60" X 144"	81.600 EA	4080.00
75.0	75.0		920502	.040 WHITE/WHITE 60" X 144"	75.000 EA	5625.00

CE CHARGES - PAST DUE ACCOUNTS MAY BE
 CHARGED TO A SERVICE CHARGE OF 1 1/2% PER
 MONTH OR TO THE EXTENT ALLOWED BY LAW.
 CHECKS ARE SUBJECT TO SERVICE
 FEES TO THE EXTENT ALLOWED BY LAW.

O GOODS RETURNABLE WITHOUT PERMISSION.
 CLAIMS FOR DAMAGE OR LOSS
 MUST BE MADE WITHIN 10 DAYS AFTER RECEIPT OF GOODS.
 TRANSIT MUST BE MADE TO THE TRANSPORTATION COMPANY AT TIME OF RECEIPT OF GOODS.

SHIPPED VIA LAKEVILLE W/O 275034 CN MELANIE	SALE AMOUNT	11,665.00
	MISC. CHARGES	
	SALES TAX FREIGHT	69.26

TOTAL → 11,734.26

EXHIBIT

LAKEVILLE **LIVE** MOTOR EXPRESS

P.O. BOX 130260

ST. PAUL, MN 55118

www.livemotorexpress.com
General Office
(651) 822-0803
(800) 828-4650Dispatch
(651) 822-8220
(800) 822-8200

DELIVERY RECEIPT



ABG - ***

TMSTC

Pro: 3831451403 7

380120
NEWMANS MFG INC
 207 HIGHWAY 10 S
 ROYALTON MN 56373

247460
WRISCO INDUSTRIES INC
 6075 W 115TH ST
 ALSIP IL 60803

Date: 1/03/07

Dat: STC

Org: CHI ORIGINAL DR

SHIPPER NUMBER

TRAILER NUMBER

ORIGIN CARRIER Pro. No. and Date

ORIGIN CARRIER ORC

LINE

C/C

23164

053951STYL

4	PLT ALUM SHEETS			60	5,745			

FUEL SURCHARGE 16.00 PERCENT
 NO PHONE # SHOWN ON BL
 00000 SWP, 00004 PLT, 00000 LOOSE
 PO# NS

HU 4 Type of Charge COLLECT

RDD 1/04

5,745

Handling Units Delivered (Must be filled out)

4 Pallets Delivered: SWP Intact Y N

PAGE 1

010407

DRIVER

TIME IN

9:45

TIME OUT

10:05

Loose Pieces Delivered: cartons bundles drums crates other (pos)

Repaired in good order except as noted. Show complete company name, signature & date

COMPANY NAME: *NEWMANS*EMPLOYEE SIGNATURE: *Tom Wayman*

DATE: 1-14-07.

Carney

EXHIBIT

B

Open Voluntary BK Case**US Bankruptcy Court [LIVE]****District of Minnesota****EXHIBIT**Notice of Bankruptcy Case Filing

The following transaction was received from Cutler, Clinton E. entered on 1/4/2007 at 6:04 PM CST and filed on 1/4/2007

Case Name: Newmans' Manufacturing, Inc.**Case Number:** 07-30032**Document Number:** 1**Docket Text:**

Chapter 11 voluntary petition re: Newmans' Manufacturing, Inc.. List of creditors holding 20 largest unsecured claims - Form 4, Statement of compensation by attorney for debtor - Local Form 1007-1, Proof of authority to sign and file petition - Local Form 1008-1. Fee Amount \$1039.00 Chapter 11 Plan due by 5/4/2007. Disclosure Statement due by 5/4/2007. Government Proof of Claim due by 7/3/2007. (Cutler, Clinton)

The following document(s) are associated with this transaction:

Document description: Main Document**Original filename:** U:\Bankruptcy PDF Files\Newmans\Petition\Newmans Petition.pdf**Electronic document Stamp:**

[STAMP_bkecfStamp_ID=1061829029 [Date=1/4/2007] [FileNumber=3580806-0]
[12173e2c5a251de8e7c251be8bf754170e69f2a6ac2008d989330e51e72ec5a30ee0
a4fd5b50eec1876409d477c309107dd4a8ed2674e5fda0a78d5126c6f05d]]

07-30032 Notice will be electronically mailed to:

Clinton E. Cutler ccutler@fredlaw.com, mdavis@fredlaw.com

US Trustee ustpregion12.mn.ecf@usdoj.gov

07-30032 Notice will not be electronically mailed to:

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Newmans' Manufacturing, Inc.,

Bky. Case No. 07-30032 GFK

Debtor

**MEMORANDUM IN SUPPORT OF MOTION TO
APPROVE ADMINISTRATIVE CLAIM**

As part of the Bankruptcy Abuse Prevention and Consumer Protection Act (“BAPCPA”),

Section 503 was amended to add subsection (9) which allows an administrative claim for:

“the value of any goods received by the debtor within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor’s business.”

Section 503(b)(9) is straight forward. A seller of goods is entitled to an administrative claim for the value of the goods delivered if: a) the goods were received by the Debtor within 20 days before the date of the Petition; and b) the goods were sold in the ordinary course of business.

The June 4, 2007, transaction meets both criteria. First, the goods were delivered the same day as the filing of the Bankruptcy Petition, but prior to the time of filing, clearly within the 20 days required by the statute. Second, the sale was in the ordinary course of business. The Debtor, as part of its business, purchased materials from various vendors, including Wrisco. Wrisko had sold goods to Debtor prior to the June 4, 2007, transaction establishing a vendor/customer relationship. Debtor's schedules reflect a balance due Wrisco for transactions occurring before January 4, 2007.

Having met all requirements of Section 502(b)(9), Wrisco is entitled to an administrative claim in the amount of \$11,734.26.

JOHN A. HALPERN & ASSOCIATES

Dated: April 4, 2007

By: Harold B. Koritz #57642
Harold B. Koritz
Attorneys for Wrisco Industries, Inc.
500 Plymouth Building
12 South Sixth Street
Minneapolis, MN 55402-1510
(612) 375-1980

SERVICE LIST

Newmans' Manufacturing, Inc.
207 South Highway 10
Royalton, MN 56373

Clinton E. Cutler
Fredrickson & Byron, PA.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402

Douglas W. Kassebaum
Fredrickson & Byron, PA.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402

Ryan Murphy
Fredrickson & Byron, PA.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402

Sarah J. Wencil, Esq.
United States Trustee
Suite 1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Michael F. McGrath
Ravich Meyer Kirkman & McGrath Nauman
4545 IDS Center
80 South Eighth Street
Minneapolis, MN 55402

Eric J. Sherburne
Stein & Moore, P.A.
332 Minnesota Street, Suite W-1650
St. Paul, MN 55101

Thomas A. Keller
Moss & Barnett
90 South Seventh Street, Suite 4800
Minneapolis, MN 55402-4129

Associated Bank Minnesota, N.A.
c/o James A. Rubenstein
Moss & Barnett
4800 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402

Glen E. Schumann
Moss & Barnett
90 South Seventh Street, Suite 4800
Minneapolis, MN 55402-4129

Floe International, Inc.
c/o Chrystal Donnell
Faegre & Benson
90 South Seventh Street, Suite 2200
Minneapolis, MN 55402

Ford Motor Credit Co.
c/o Linda J. Jungers
Stewart Zlimen & Jungers
430 Oak Grove Street, Suite 200
Minneapolis, MN 55403

R. Michael Fox
Matrix Associates, Inc.
1128 Harmon Place, Suite 310
Minneapolis, MN 55403

R. L. Ryerson Co., Inc.
c/o Michael D. Jankowski
1000 North Water Street, Suite 2100
P.O. Box 2965
Milwaukee, WI 53201

Internal Revenue Service District
Counsel
380 Jackson Street, Suite 650
St. Paul, MN 55101-4804

Internal Revenue Service
30 East Seventh Street, Suite 1222
Stop 5700
St. Paul, MN 55101

MN Department of Revenue
Mail Station 6330
St. Paul, MN 55164-6330

U.S. Attorney
600 U.S. Courthouse
300 South Fourth Street
Minneapolis, Mn 55415

Morrison County Treasurer
213 First Avenue Southeast
Little Falls, MN 56345

Wayne King
Credit/Collection Manager
Con-Way Freight
5555 Rufe Snow Drive, Suite 5515
North Richland Hills, TX 76180

Premium Financing Specialists
7825 Washington Avenue, #500
Minneapolis, MN 55439

Minneapolis - STP
301 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Newmans' Manufacturing, Inc.,

Debtor

Bky. Case No. 07-30032 GFK

ORDER GRANTING MOTION FOR ADMINISTRATIVE CLAIM

The above-entitled matter came before the Bankruptcy Court on April 30, 2007, on the Motion to Approve Administrative Claim (“Motion”) filed by Wrisco Industries, Inc. (“Wrisco”). Appearances were made by Harold B. Koritz, Esq., of John A. Halpern & Associates on behalf of movant. Other appearances were noted in the record.

Based upon the Motion, all files, records and proceedings herein, the Court being fully advised of the premises, IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. Wrisco is hereby granted an administrative expense claim pursuant to 11 U.S.C. § 503(b)(9) in the amount of \$11,734.26.
3. The Debtor is hereby authorized and directed to immediately pay to Wrisco the sum of \$11,734.26.

Dated: _____, 2007

Gregory F. Kishel, Judge
United States Bankruptcy Court